



WISCONSIN REGULATORY DIGEST

Volume 11, No. 1 **A Publication of the ACCOUNTING EXAMINING BOARD** **March, 2001**

Secretary Marlene Cummings Retires

Governor Tommy G. Thompson announced that Marlene Cummings has retired after serving 14 years as Secretary of the Department of Regulation and Licensing to pursue private interests.

Governor Thompson thanked Secretary Cummings for her years of outstanding work and guidance on licensing issues.

Secretary Cummings, who retired from state service on February 25, 2001, had served with Governor Thompson since the beginning of his administration and was one of his first cabinet appointments.

“Marlene truly is a great friend, a great leader and a source of stability within the administration,” Governor Thompson said. “We will miss her sound judgment and her innovative ideas. She has worked well with the licensing boards and her resignation

will be a great loss for hundreds of board members and the entire state of Wisconsin.”.

Governor Thompson said Secretary Cummings has had an extremely successful tenure that emphasized changes in the handling of disciplinary complaints and adopted innovative disciplinary procedures. Her innovations have included an agency time-line for handling complaints, the use of mandated education and a procedure for managing professionals with drug and alcohol addictions.

“My 14 years of service in Governor Thompson’s administration have been both inspiring and challenging,” Secretary Cummings said. “We were often at the forefront of significant business and health care developments.” Secretary Cummings also thanked Governor Thompson for his encouragement and the opportunity to serve, and wished him great success as a member of President Bush’s cabinet.

Secretary Cummings says she is retiring to devote more time to her family. She said that she also needs more time for research and writing.

WISCONSIN ACCOUNTING EXAMINING BOARD

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Important Message From the Department of Workforce Development

Failure to pay court-ordered child support may result in the suspension or non-renewal of professional licenses.

Contents

Secretary Marlene Cummings Retires From State Service ...	1
Important Message from the Department of Workforce Development	1
List of Registrants	2
Reports of Disciplinary Decisions.....	2
Credential Non-Renewal	2
2000 NASBA Annual Meeting	3
Licensing Statistics.....	3
Division of Enforcement	3
Disciplinary Actions.....	3
Telephone Directory & DRL Services	4

Recently enacted Wisconsin laws give local child support agencies the ability to request suspension or denial of licenses of people whose names appear on the Child Support Lien Docket and who owe more than \$1,000 or three months' worth of child support.

Past-due child support creates a lien against all of a payer's titled property. The lien is entered into Wisconsin's Child Support Lien Docket when past-due support reaches a specified threshold. In January 2001, the threshold amount was \$20,000 in past-due support.

Child support agencies will notify payers at the time their names are added to the Child Support Lien Docket and prior to initiating license suspension action. Satisfaction (payment in full) of the child support lien, or entering into and complying with a plan to pay off the past-due support, will halt license suspension action.

For more information about Child Support Liens and license suspension, please contact your local child support agency.

Lists of Registrants

The Department has implemented 1999 Wisconsin Act 88, which limits the disclosure of personal identifiers by the Department on lists that contain the personal identifiers of 10 or more individuals. A "personal identifier" is a name, social security number telephone number, street address, post office box number or 9-digit extended zip code. Thus, any form that the Department requires you to complete, in order to apply for or renew a credential, must include a place for you to declare that the personal identifiers collected on the form may not be disclosed on any list that the department or a credentialing board furnishes to another person. If you complete such a declaration the Department will not be permitted to disclose your personal identifiers on such lists. Exception: lists furnished to another state agency, a law enforcement agency or a federal governmental agency.

Reports of Disciplinary Decisions

The Department of Regulation and Licensing publishes the Reports of Decisions on a monthly basis. The reports contain disciplinary orders issued by the professional regulatory boards and by the Department. You may access these

disciplinary orders at the department's Web site. The address is: <http://www.drl.state.wi.us>.

The Reports of Decisions include final orders issued by the Department of Regulation and Licensing and the Boards attached to the Department. Decisions routinely included are decisions in cases initiated by the filing of a formal complaint or petition for summary suspension, disciplinary decisions reached through stipulation, cases dismissed without discipline, interim orders staying imposition of discipline, orders modifying limitations previously imposed and court decisions relating to orders issued by the Department or a Board. The reports do not include decisions to deny or grant an initial credential application or renewal application unless the grant or denial followed a hearing and relates to a ground for discipline.

Reports are prepared each month and take about four weeks to process from the close of the reporting period. The decisions are indexed by year and month, and within each, by respondent and by profession.

Credential Non-Renewal

The Wisconsin Department of Regulation and Licensing renews the credentials of licensed professionals pursuant to Section 440.08(1) of the Wisconsin Statutes. It is very important for you to provide the Department of Regulation and Licensing with any changes in address to ensure receiving renewal material. Failure to receive a notice of renewal does not relieve the holder from the obligation of having a current credential. According to Accy 4.035 (1), Wis. Admin. Code, if a credential holder is late with his or her renewal, but is within five years after the renewal date, the credential shall be renewed upon payment of the renewal fee and a late filing fee. On the other hand, Accy 4.035 (2), Wis. Admin. Code, says:

"An individual certified public accountant who files an application for renewal 5 years or more after the renewal date may be reinstated by filing with the board:

(a) An application for renewal on a form prescribed by the department.

(b) The fee specified in s. 440.08(2), Stats., plus the applicable late renewal fee as specified in s. 440.08(3), Stats;

(c) Verification of successful completion of examinations specified in ch. Accy 3, or education

specified in ch. Accy 7, or both, as the board may prescribe.”

The importance of timely renewal of credentials is to avoid practicing without a license.

Practicing without the appropriate credential has many ramifications. The non-renewal of the professional license puts the professional in the position of practicing without a license. Practicing without a license may result in disciplinary action. Other consequences of practicing without a license include the invalidation of malpractice insurance or liability insurance.

A current credential is a necessary component for a professional to practice his or her field to the fullest capacity. It behooves all professionals to stay abreast of the renewal dates for their specific field and abide by the appropriate Wisconsin statutes or administrative rules.

2000 NASBA Annual Meeting

Norbert “Jim” Johnson represented the Board at the annual meeting of the National Association of State Boards of Accountants (NASBA), held in Boston, Massachusetts, on September 17-20, 2000. Discussion topics related to trends across the professions, legal developments, ethics, examination issues, and strategic initiatives.

AICPA

Frank Probst has been appointed to the AICPA Board of Examiners. The Board is responsible for policies regarding the content, format, and grading of the Uniform CPA examination.

Licensing Statistics

The number of active licensees as of February 8, 2001:

Certified Public Accountants	11,289
Accounting Firms	376

Division of Enforcement

A critically important component of the role played by the Department of Regulation and Licensing (DORL) in overseeing professions subject to licensure and regulation is the Division of Enforcement (DOE), headed by Administrator Jack Temby.

The DOE is a large division comprised of attorneys, investigators and support staff. The division’s primary mission is to conduct investigations of complaints received by the

department concerning the conduct of persons holding professional credentials or licenses issued by the department. In the most recently-completed biennium more than 4,400 complaints were received and processed by the division. When appropriate, complaints are resolved through mediation. However, if it appears there has been a violation of the laws enforced by the boards or department, formal disciplinary action may be commenced against the credential holder involved.

There are four distinct phases of the case handling process. They are as follows:

Intake Stage: This is the first stage in the case handling process. Cases are screened by screening panels to determine if an investigation is warranted. Cases that do not warrant investigation are quickly closed. Cases that appear to have merit are identified for investigative action.

Investigation Stage: This is the next stage in the case handling process. Investigative staff gather necessary evidence and make contacts with witnesses as needed. The results of the investigation are discussed with a case advisor and a department attorney. Cases that do not warrant professional discipline are closed. Cases with violations proceed to the next stage for legal action.

Legal Action Stage: In this stage, department prosecuting attorneys, in conjunction with case advisors, review the results of the investigation and pursue disciplinary action when appropriate. Cases may be resolved by means of stipulated agreements, informal settlement conferences or letters of concern.

Hearing Stage: This is the last stage in the case handling process. This is a formal legal process. The department attorney litigates the case before an administrative law judge. The law judge makes a proposed decision which is reviewed by the licensing board. If a violation is found, discipline may be imposed. Disciplinary alternatives include a reprimand, limitation, suspension and revocation.

To file a complaint, you may contact the Division of Enforcement by calling (608) 266-7482 or (608) 266-3736, or write the Department of Regulation and Licensing, Division of Enforcement, P.O. Box 8935, Madison,

Disciplinary Actions

None.

REGULATORY DIGEST

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RETURN SERVICE REQUESTED

Telephone Directory

The Division of Business Licensure & Regulation has a menu telephone system which is designed to more efficiently direct the caller to the appropriate section. The telephone number for staff is:

(608) 266-5511

After dialing this number you are asked to press various extensions. For the following requests, please press extension numbers as noted:

Application Forms	Ext. 11
Complaints Against Licensees	Ext. 12
Application Processing & Requirements	Ext. 42
Whether A Person Is Registered	Ext. 442
Fax Number	(608) 267-3816

Verifications

Requests for verifications of license, sent to other states must be in writing. **The cost is \$10.** Please make out check or money order to the Department of Regulation and Licensing.

Dates to Remember in 2001

Board Meetings:, March 16, May 18, August 17, October 19, December 14

Exams: May 2-3, 2001 and November 7-8, 2001

Deadline: 60 days before exam

Visit the Department's Web Site

www.drl.state.wi.us

For our new "Online Verification of Credential Holders" click on the "Business and Professional License Lookup" button on the Department's home page.

Copies of the Regulatory Digest are on the Web.

Send comments to dorl@drl.state.wi.us

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Wisconsin Statutes and Code

Copies of the "Wisconsin Statutes and Administrative Codes For the Accounting Examining Board" may be ordered from the Department.

Include your name, address, county and a check payable to the Department of Regulation and Licensing in the amount of \$5.28. The latest edition is dated March 1999.

Change of Name or Address?

Please photocopy the mailing label of this digest, make changes in name or address, and return it to the Department. Confirmation of changes are not automatically provided.

WIS. STATS. S. 440.11 ALLOWS FOR A \$50 PENALTY TO BE IMPOSED WHEN CHANGES ARE NOT REPORTED WITHIN 30 DAYS.

Subscription Service

Bi-annual digest subscriptions are published for all credentials in the Department at a cost of \$2.11 each per year. CREDENTIAL HOLDERS RECEIVE THEIR REGULATORY DIGEST FREE OF CHARGE. Others may send the fee and this form to the address listed above.

Subscription Service Order Form

Name

Company/Organization

Street Address/P.O. Box

City/State/Zip + 4

County

Digest(s) desired:

ACCOUNTING SUGGESTED TOPICS FOR ARTICLES for the September 2001 Digest

Articles for the 9/01 Digest must be received by Roxanne no later than July 13, 2001.

- Code of Conduct
- Computerization of Exam (Tichenor said he would do an article)
- Explanation of Experience Requirement
- Contingency Fees
- Name relief for sole proprietors